

File No. **22191** 13. County: **GT** Basin: **BEAR CREEK** Stream:
 Structures File No: Aquifer Code: **211 / 331** Special Use Area:

14. Points of Diversion, Rates & Quantities

| PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment (AKA Line) | Qty | | Rate | | Storage Qty | | Storage Rate | | Overlaps | |
|------------|--------------|---|---|---|----|----|----|--------------------|------|-----|------|-----|-------------|-----|--------------|--|----------|--|
| | | | | | | | | | Auth | Add | Auth | Add | Auth | Add | Auth/Add | | | |
| CHK | 81810 | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |

15. Limitations Type: Quantity: Rate: combined with file no(s):
 Type: Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: 12/31/2025

17. Place of Use

| PUSE | S | T | R | ID | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner(s) | Chg? | Overlaps |
|------------|--------------|-----------|------------|------------|----------|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|-----------|--------------------------|-----------|
| | | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | | |
| ENT | 22880 | 14 | 27S | 37W | 3 | 40 | 40 | 40 | 40 | | | | | | | | | | | | 160 | 5a | <input type="checkbox"/> | ** |
| CHK | 20953 | 13 | 27S | 37W | 2 | | | | | 40 | 40 | 40 | 40 | | | | | | | | 160 | 5a | <input type="checkbox"/> | ** |
| | | | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> | |
| | | | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> | |
| | | | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> | |
| | | | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> | |

18. Point of Diversion and Place of Use Overlaps

| | |
|------------------------------|----------------------------|
| * + # ^ | ** 12457 ++ ## ^^ |
|------------------------------|----------------------------|

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

February 10, 2025

J & L SMITH FARMS INC
Attn: BRYAN SMITH
9170 E ROAD 2
ULYSSES, KS 67880-8151

RE: Filed Office Application for Change
Water Right, File Nos. 12457 and 22191

Dear Sir or Madam:

Enclosed is the order executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file numbers. **Note:** this approval does not allow any single point of diversion to exceed its annual authorized quantity.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink that reads "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc: GMD 3

CERTIFICATE OF SERVICE

On this 10th day of February, 2025, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 12,457 and 22,191 dated 10th day of February, 2025 was mailed postage prepaid, first class, US mail to the following:

J & L SMITH FARMS INC
Attn: BRYAN SMITH
9170 E ROAD 2
ULYSSES, KS 67880-8151

Pc:

GMD 3


Division of Water Resources Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 22191

RECEIVED
 10:55 am
 FEB 04 2025

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

Garden City Field Office
 Division of Water Resources

2. Name and address of Applicant: J & L SMITH FARMS INC ATTN: BRYAN SMITH

9170 E ROAD 2 ULYSSES KS 67880 - 8151

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: SAME AS ABOVE

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: J & L SMITH FARMS INC ATTN: BRYAN SMITH

ADDRESS: 9170 E ROAD 2 ULYSSES KS 67880 - 8151

(If there is more than one landowner, attach supplemental sheets as necessary.)

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 13 | 27S | 37W | | | | | 40 | 40 | 40 | 40 | | | | | | | | | 160 |
| | | | | | | | | | | | | | | | | | | | |

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: J & L SMITH FARMS INC ATTN: BRYAN SMITH

ADDRESS: 9170 E ROAD 2 ULYSSES KS 67880 - 8151

(If there is more than one landowner, attach supplemental sheets as necessary.)

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 14 | 27S | 37W | 40 | 40 | 40 | 40 | | | | | | | | | | | | | 160 |
| 13 | 27S | 37W | | | | | 40 | 40 | 40 | 40 | | | | | | | | | 160 |

For Office Use Only: Code _____ Fee \$ 200.00 TR # _____ Receipt Date 2-4-25 Check # 010143

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) CREATE A COMPLETE OVERLAP
IN PLACE OF USE WITH WR 12457 & 22191

8. If a well, is the test hole log attached? Yes No

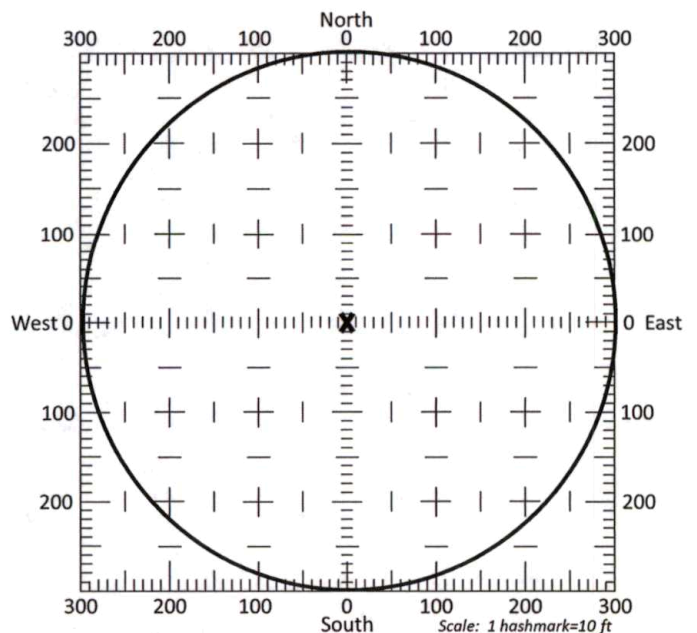
9. The change(s) (was)(will be) completed by?
UPON APPROVAL

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
N / A
 (b) When will this be done? N / A

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by AM / GCFO

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Garden City, Kansas, this 14th day of February, 2025.

Bryan Smith V.P. for JH Smith Farms

 (Owner) (Spouse)

Bryan Smith

 (Please Print) (Please Print)

 (Owner) (Spouse)

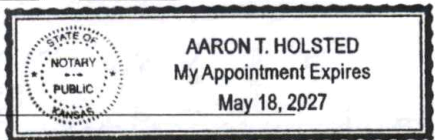
 (Please Print) (Please Print)

 (Owner) (Spouse)

 (Please Print) (Please Print)

State of Kansas }
 County of Linney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14th day of February, 2025.



Aaron Holsted

 Notary Public

My Commission Expires _____

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

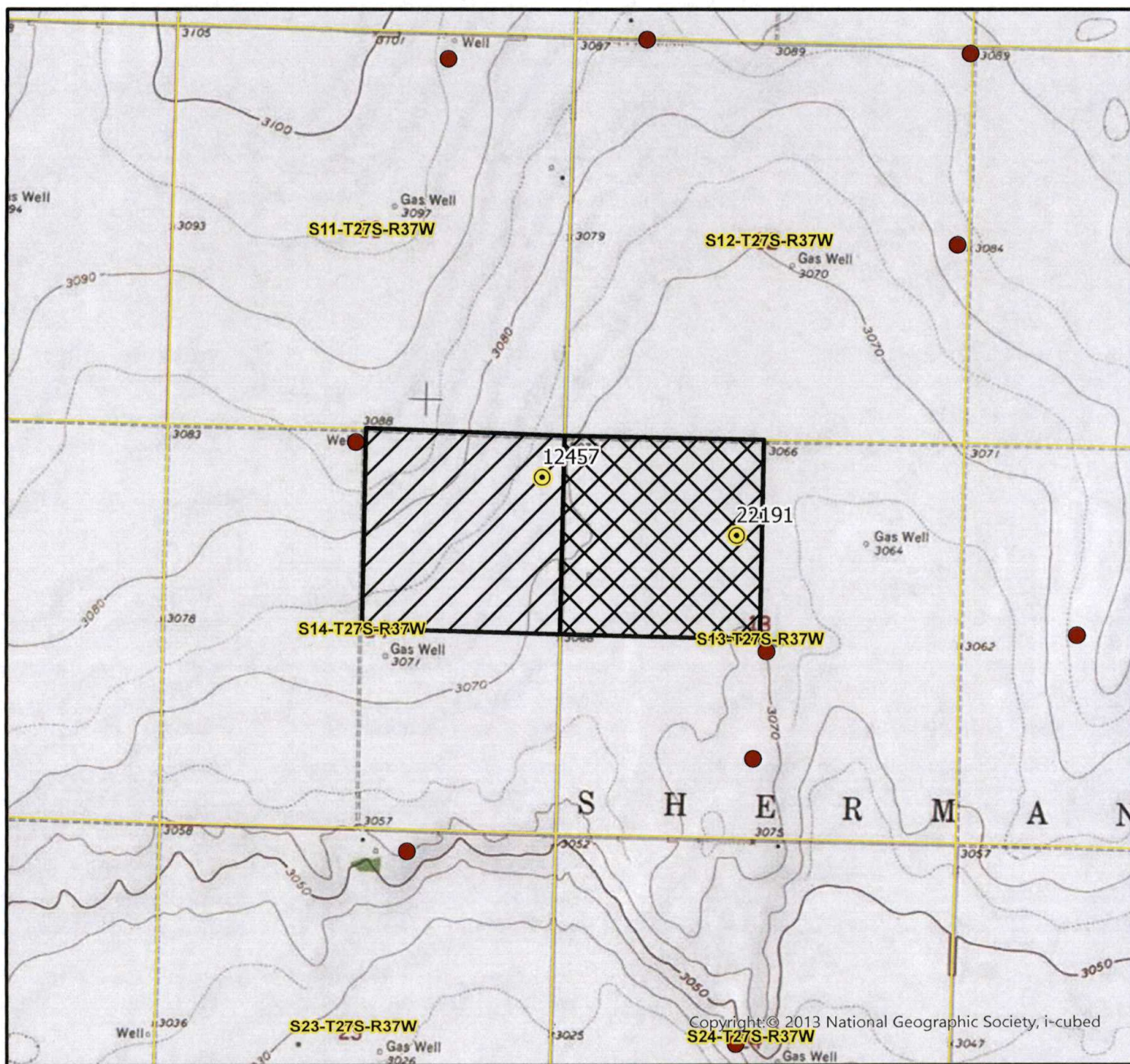
FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

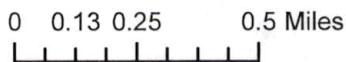
| | |
|---|-------|
| (1) Application to change a point of diversion 300 feet or less | \$100 |
| (2) Application to change a point of diversion more than 300 feet | \$200 |
| (3) Application to change the place of use | \$200 |

CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 22191

Sections 13 & 14 Township 27 South Range 37 West Grant County



| | |
|--|-------------------------------|
| | Authorized Point of Diversion |
| | Permitted Water Right |
| | Domestic Well within 1/2 mile |
| | Authorized Place of Use |
| | Proposed Place of Use |

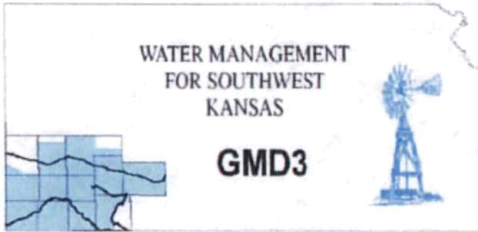


By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map

AM/GCFO
1:24,000 Scale

(Signature)

Date



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone
www.gmd3.org

February 10, 2025

Austin McColloch
Division of Water Resources
4532 W Jones Ave., Suite B
Garden City, Kansas 67846

RECEIVED

FEB 10 2025

Garden City Field Office
Division of Water Resources

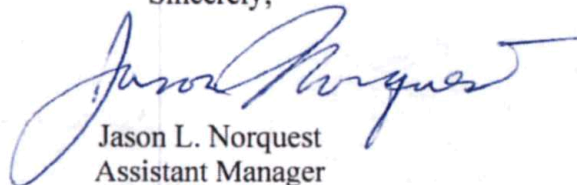
RE: Applications for Change in Place of Use
Water Right, File Nos. 12457 & 22191

Dear Austin:

We have completed a review of the applications for the above referenced water rights. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). In accordance with K.A.R. 5-5-11(b), the applicant is proposing to make a complete overlap in current acres. No new unauthorized acres are proposed. It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest
Assistant Manager

GMD3 Change Review

File No(s): 12457, 22191.

DWR office: GC.

App filed to change: PU.

Is Landowner(s) correct in WRIS: J&L Smith Farms Inc.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? .

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11(b)

Point of diversion ID No(s) being changed.

| | ft. North | ft. West |
|-------------------|-----------|----------|
| Authorized PD | | |
| Proposed PD | | |
| Difference | 0 | 0 |
| $a^2 + b^2 = c^2$ | 0 | 0 |

GPS for proposed PD: Lat: Long: .

Is proposed PD stacking on existing WRs? No Change.

Is Proposed PU overlapping existing WRs? Making complete overlap.

Neighboring certified well(s) notified: .

Name .

Address .

Zip .

Email: Phone: .

Domestic well(s) notified: .

Name .

Address .

Zip .

Base Acres: .

Perfected Acres: .

Irr. Return-Flow %

Grant County

12457: 320AF @ 875gpm

160acres NE 14-27-37

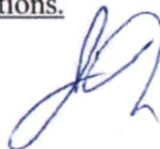
22191: 320AF @ 750gpm

160acres NW 13-27-37

Proposed: Complete overlap, no new acres

Is a waiver needed: No, requesting a complete overlap in current acres.

Recommendation: After review of available information, it appears current area rules are met. Staff recommends approval of the applications.



Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

February 5, 2025

GROUNDWATER MANAGEMENT DISTRICT #3
2009 E SPRUCE ST
GARDEN CITY KS 67846

Re: Request for Recommendation,
File No. 12457 & 22191

Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by J & L Smith Farms Inc and appears to be in proper form, for your review.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Austin McColloch".

Austin McColloch
Assistant Water Commissioner

Enclosure
pc: